

REMARKS

The rejection of Claims 75-78, 80, and 83-96, and 98-105 under 35 U.S.C. § 112, first paragraph, is traversed. There is ample support for the term "nonporous" as a descriptor for the polymeric cushioning material. For example, the Examiner's attention is directed the written description in the Examples, and the pictorial description found in Figures 5-11. Applicant notes that the polymeric cushioning material is nonporous. Thus, it is requested that the Examiner withdraw this rejection.

The rejections of Claims 106 and 114 under 35 U.S.C. § 102(b) and Claims 108, 109, 116, and 117 under 35 U.S.C. § 103(a), both in view of Norman (GB 2213380) is traversed. Norman does not describe a "nonporous polymeric cushioning material. Rather, Norman describes a **microporous**, polytetrafluoroethylene, **thin** sheet; which envelopes (Fig. 2) or wraps around (Fig. 5) an amputee's residuum. This is not the same as the claimed invention. Accordingly, it is requested that the Examiner withdraw this rejection in view of the following comments.

It is noted that the claimed invention differs from Norman's disclosure in three different aspects.

First, Norman (GB 2213380A) describes "a cup-shaped membrane of **microporous** expanded polytetrafluoroethylene (PTFE) which is hydrophobic but capable of transmitting water vapour" (bridging paragraph between pages 1-2; emphasis added here). This **porous** polymer film makes contact with the skin in order to allow it to breathe. This is in contrast to the nonporous polymeric cushioning material which makes contact with the skin when worn by a user, as claimed herein.

Second, Norman's disclosure says nothing about a polymeric liner that functions as a cushion. As noted throughout the specification, an important aspect of the claimed invention

is that the liner serves as a cushion. The Examiner's attention is directed to Norman's disclosure, see page 4, that states that "the membrane is suitably of 0.0035" (0.0089 cm) thickness." That is, the thickness of this film is about the same thickness as a human hair. It is clear that this film cannot serve as a cushion.

Third, Norman does not describe a cushion liner in which "the polymeric cushioning material is thicker at a closed end of the covering than at an open end."

In light of these three differences, it is respectfully requested that the Examiner withdraw these rejections.

Additionally, the rejection of the claimed invention as being anticipated by [35 U.S.C. § 102(b)], or in the alternative obvious [35 U.S.C. § 103(a)] in view of, Lerman (US 4635626) is obviated by amendment. Lerman describes a temporary stump sock with a **stitched seam** (Fig. 2, 24) that is composed of several layers (Figures 4 and 7). While one of the layers, the "base layer" (Fig. 4, 32; Fig. 6, 52), may be either open-celled (col. 3, ll. 61-64) or close-celled (col. 5, ll. 20-23), this layer does not contact the skin of the amputee. Rather, a fabric that is capable of "breathing" – preferably "velour" (col. 4, ll. 1-2) – makes contact with the skin of the amputee. Given the fact that Lerman does not describe all of the claimed elements, it is requested that the Examiner withdraw this rejection in view of the amendment and the following comments.

Lerman's stump sock is composed of five layers of material (Figures 4 and 7): (1) an outer layer, which is preferably made of tricot (Fig. 4, 38; col. 4, ll. 9-10), (2) a base layer (Fig. 4, 32; col. 3 ll. 53-66), which is open-celled (col. 3, ll. 61-64) or close-celled (col. 5, ll. 20-23), (3) a porous inner layer that makes contact with the skin and is preferably made of "velour" (Fig. 4, 34; col. 4, ll. -2), and (4) two adhesive layers (Fig. 4, 36 and 40; col. 4, ll. 25-29) that resides on either side of the base layer. This is in contrast to the claimed invention in which the nonporous polymeric cushioning material contacts the skin when worn

by the user. Thus, Lerman's disclosure does not anticipate the claimed invention and it is requested that the Examiner withdraw these rejection.

Furthermore, the rejection of claims 75-78, 80, 83-96, and 98-121 as being obvious [35 U.S.C. § 103(a)] in view of Mushenko (SU 1739990) is obviated by amendment.

Mushenko does not disclose a nonporous polymeric cushioning material that makes contact with the skin. Rather, Mushenko describes a liner that includes "several layers of reinforcing fabric 1 impregnated with foamed vulcanizate of low-molecular grafted polysiloxane, and cushions 2 and 3 of foamed vulcanizate of high-molecular siloxane rubber" (page 4, USPTO-furnished translation), in which vulcanisates are porous (see Abstract). As noted below, there can be no obvious rejection since Mushenko (either alone or in combination with Norman and/or Lerman) does not describe a nonporous polymeric cushioning material that makes contact with the skin. Thus, it is requested that the Examiner withdraw this rejection.

The cited references either taken together or separately fail to render the claim invention obvious. Why? All of the references state how important it is to have a porous material (or a material that breathes) against the skin. Who would have thought that you could contact the skin with a nonporous polymeric cushioning material? No one – this is what makes the claimed invention so unique. Given that this aspect of the invention is counter-intuitive in view of all of the cited references, there can be no issue of obviousness. Thus, it is requested that the Examiner remove all obviousness rejections.

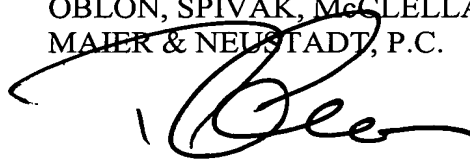
Finally, the rejection of claims 85-87 and 98-101 under 35 U.S.C. § 112, second paragraph, is obviated by amendment. It is requested that the Examiner withdraw this rejection.

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In light of the amendments and the comments contained herein, Applicant respectfully submits that the present application is now in condition for allowance. Favorable reconsideration is respectfully requested. Should anything further be required to place the application in condition for allowance, the Examiner is requested to contact the undersigned by telephone.

Respectfully submitted,

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